

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

WILLIAM LYNN RICHARDSON, §  
Petitioner, §  
§  
VS. § CIVIL ACTION NO. 4:07-CV-264-Y  
§  
NATHANIEL QUARTERMAN, Director, §  
T.D.C.J., Correctional §  
Institutions DIV., §  
Respondent. §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner William Lynn Richardson under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 27, 2007; and
3. The Petitioner's written objections to the proposed findings, conclusions and recommendation of the United States magistrate judge filed on July 19, 2007.

The Court, after de novo review, concludes that Petitioner's objections must be overruled, and that the petition for writ of habeas corpus should be dismissed with prejudice as time-barred under 28 U.S.C. § 2244, for the reasons stated in the magistrate judge's findings and conclusions. The Court also notes that Richardson filed a motion to stay this proceeding based upon the Supreme Court's decision in *Rhines v. Weber*, 544 U.S. 269 (2005). But that case involved standards for a district court to stay a petition under 28 U.S.C. § 2254 in order for a petitioner to

complete exhaustion of his claims.<sup>1</sup> Richardson filed a state application for writ of habeas corpus raising the same sentence-credit claims he asserts in this case,<sup>2</sup> and the magistrate judge tolled for the pendency of the time that application was pending under 28 U.S.C. § 2244(d)(2) in recommending that this § 2254 petition be time-barred. Thus, *Rhines* does not apply to this case, and the motion to stay must be denied.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Richardson's motion to stay and hold the case in abeyance [docket no. 3] is DENIED.

William Lynn Richardson's petition for writ of habeas corpus is DISMISSED WITH PREJUDICE.

SIGNED July 24, 2007.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>See *Rhines*, 544 U.S. at 277 ("[S]tay and abeyance is only appropriate when the district court determines there was good cause for the petitioner's failure to exhaust his claims first in state court.")

<sup>2</sup>*Ex parte Richardson*, No. WR 63,761-02 at 8-9.